

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

RANDY J. BELLFI,

Plaintiff,

v.

CASE NO. 05-74019
HON. LAWRENCE P. ZATKOFF

CITY OF RIVER ROUGE, a municipal corporation,
GREG JOSEPH, individually and in his official
capacity as Mayor of River Rouge,
CHARLES MANLEY, individually and in his
official capacity as the city clerk for Defendant,
City of River Rouge, and JOHN BEAVER,
individually. Joint and Severally Defendant's,

Defendants.

ORDER TO REMAND

Plaintiff filed a complaint in the Wayne County Circuit Court on September 21, 2005. Defendants removed the action to this Court on October 20, 2005. Plaintiff's complaint contains the following three counts:

- | | |
|-----------|---|
| Count I | Seizure of property in violation of 42 U.S.C. § 1983; |
| Count II | Violation of M.C.L. 565.108; and |
| Count III | Trespass. |

See Complaint.

The Court has subject matter jurisdiction over Count I, because it arises under federal law. *See* 28 U.S.C. § 1331.

Counts II and III, however, are based upon state law. Although the Court has supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367(a), the Court may decline to

exercise supplemental jurisdiction over a state law claim if there are “compelling reasons for declining jurisdiction.” *See* 28 U.S.C. § 1367(c)(4). The Court declines to exercise supplemental jurisdiction over Plaintiff’s state law claims in this matter. The Court finds that the contemporaneous presentation of Plaintiff’s parallel state claims for relief will result in the undue confusion of the jury. *See* 28 U.S.C. § 1367(c)(4); *see Padilla v. City of Saginaw*, 867 F. Supp. 1309, 1315 (E.D. Mich. 1994).

Accordingly, IT IS ORDERED that Plaintiff’s state law claims (Counts II and III) are REMANDED to the Wayne County Circuit Court. The Court retains jurisdiction over Plaintiff’s federal claim (Count I).

IT IS SO ORDERED.

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: November 10, 2005

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on November 10, 2005.

s/Marie E. Verlinde

Case Manager
(810) 984-3290